

the police chief's daughter was killed—an innocent bystander at an intersection down the road.

And it is always the innocent bystander who is killed. The drunk driver who killed my mother had almost no injuries, as is almost always the case with drunks. He was fleeing from the police. It was his fault. But in the circumstance I described with my mother, in that community, they did not have the kind of training I think they needed with respect to police pursuit. I think that is the case in many communities around the country.

Today, I say to the police chief in Los Angeles: Good for you. Thanks for the announcement you made on Tuesday, to decide to restrict police pursuit and high-speed chases to circumstances where they are essential.

We do not need to be entertained on a television network by having a helicopter following a chase. That ought not be what entertains the American people. Police chases are appropriate and necessary in certain circumstances. But in other circumstances they are killing innocent Americans.

So what I wanted to say today is this: There have been too many examples with the Border Patrol of high-speed pursuits in which people are being killed, especially on Interstate 8. I think it is time for us to take a look at what is going on. I am going to ask the head of the Border Patrol to investigate this and report to us exactly what happened.

I want the head of the Border Patrol, and all other Federal law enforcement authorities, to tell us about their policies and training with respect to high-speed law enforcement pursuit.

I am not suggesting they should not be able to pursue; I am saying they need training and policies that determine when it is appropriate and when it is not.

Mr. President, this is always a painful subject for me. I have been dealing with it for a long while.

There are of course many others who have also been dealing with this. There was a wonderful woman in the State of Wyoming who lost a loved one to a high-speed police pursuit. She created a national organization called STOP, to deal with the problem. She and many other people who suffered and whose loved ones suffered as a result of being on the wrong end of a police pursuit—an innocent victim—tried very hard to make progress in requiring uniform policies and uniform training in this area. I am sorry to say that she died of cancer some while ago.

I hope we will make more progress than we have in the past. We have made some progress in some areas, but not nearly enough. Yesterday's incident—this morning's news—I think reflects that once again.

I do not come here assigning blame with respect to the incident yesterday. Clearly, the ultimate blame lies with the smugglers who decided not to stop

when law enforcement authorities tried to apprehend them. But I want to know if perhaps policies which allow chases in certain circumstances are also contributing to the death of innocent people. If that is the case, we need to ask law enforcement to better train their officers, and create better policies.

So I will send a letter today and call the head of the Border Patrol and ask for this investigation. I will share with my colleagues the results of it.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I believe we are in morning business with Senators allowed to speak for up to 10 minutes each.

The PRESIDING OFFICER. The Senator is correct.

NORTH KOREA

Mr. SESSIONS. Mr. President, I express my appreciation to Senators KYL and MCCAIN for the introduction of the legislation to cause us to confront the unacceptable behavior of North Korea. That is a situation that is dangerous. It is a situation that has gotten out of hand, for a number of reasons; one of which is, over the years, through bad behavior, North Korea has obtained what they consider to be benefits as a result of misbehaving, violating world standards. As a result of that, I think they have been encouraged, in a way, to continue that misbehavior. So we need to change that cycle.

I have not studied the legislation completely, but it strikes me as a good step in sending a message that this Congress and this country will not continue to reward bad behavior.

This time last year—maybe just about this time—I was in Korea, and I went just across the DMZ, as you can do, in that building that splits the boundary line, and actually had a few minutes in North Korea. It is a remarkable situation in so many ways.

South Korea is one of the most booming economies in the world. Buildings are going up everywhere. Interstates with cloverleaves are all around Seoul. We flew all over the country in helicopters, visiting our military bases and air bases. And you could see it so clearly. There are traffic jams. People are well dressed. They are healthy. They are industrious. They are highly educated and doing very well.

In fact, while I was there I had an opportunity to meet with a number of Korean business leaders and to ask them to invest \$1 billion in the creation of a world class automobile plant in Alabama. They were considering several locations in the United States. They chose to take the wealth they have created—through a free market, a free country, with technology and science and education—and expand their capacity to produce world class automobiles. And Hyundai expects to be one of the top five automobile manufacturers in the world in the next several years.

Just north of that DMZ, less than—what?—50 miles from Seoul, Korea, is the North Korean countryside. The people of North Korea are suffering the most terrible privations. Starvation is all about. This country is unable to feed its own people.

But what do they do well? They have a good military, which they spend millions and millions of dollars on. They have a State police system that oppresses the people to a degree that is almost unsurpassed in the world's history.

I asked one of the American officials at the Embassy: Why don't we do more to send in Radio-Free-Europe-type messages to the people? Let's send in a "Radio-Free North Korea," as Senator KYL proposes in this legislation. And he said: Well, it's much more difficult than you think. For example, the TV sets the people can obtain, have only three channels, and all of those channels are full-time government channels. Thus, one can't send in a television message. And they asserted there are similar problems even with radios in North Korea.

This is a nation that has suffered the most oppression of almost any nation I can name. Their oppression is as systematic and as deliberate as one can imagine. And the results are so stark, so dramatic.

Many people have seen the famous and stunning photograph of the Korean peninsula at night. In it, you can see the DMZ. You can also see south of the demilitarized zone into South Korea.

There are lights everywhere in South Korea. You can see into China and there are lights everywhere, but North Korea is just dark, without electricity, without lights, for the people. How long does this continue? What plan do we have to try to change this situation?

The President has expressed concern about it. From the world leaders and the Europeans and others who like to be engaged in these issues, do I hear sufficient outrage as to the moral unacceptability of what is occurring in this country? If there is any decency, if there is any concern for fellow human beings anywhere in the world, we ought to be outraged by what is happening to the good people of North Korea who have little if any chance to free themselves from this oppression.

They say we have to send aid and food and other things or else the country might implode. We know people are dying now. We know the population of North Korea is shrinking. We know the population of North Korea has fallen to probably half that of the population in South Korea and just in the last 20 years. How much worse could an implosion be? What should we think and how should we analyze this situation?

I will have more to say about it, but any humane, forward-looking foreign policy ought to consider what we can do to change the fundamental nature of the Government in North Korea. It is oppressing its people to an extraordinary degree. Through threats and

bluster, we have been allowing North Korea to obtain benefits pursuant to agreements. Now they have admitted before the entire world, flat out, that the benefits they have been receiving pursuant to the agreement with the United States and the Clinton administration were built on a lie, that they were, in fact, in violation of the very agreement they signed.

The Economist magazine had an interesting piece recently that said, yes, agreements are good in the world. Multilateral agreements are good. Bilateral agreements are good. Peace agreements are good. But they said this: What happens when the country doesn't abide by it? What happens when they say they are going to do something and just don't do it? If there are no consequences for their failure to comply with solemn agreements that they have made, presumably for the good of the region and the world and their own nation, then what is going to occur here? Are we not creating a circumstance where a country may conclude that they may, indeed, gain by a lie, gain by cheating, gain by threatening and destabilizing and selling weapons around the world?

We need to reexamine our policy. We need to understand that this is not a normal regime in North Korea. This is an abnormal regime of the worst kind. It is hurting its own people more than anything else. It is threatening the stability of that region and the world. Something needs to be done about it. We cannot continue to ignore it.

One thing we cannot do, we cannot expect to sign an agreement with them and expect it to be honored because their history is not to honor agreements.

I support the legislation. We need to do something such as this and move it forward. We need to strengthen our relationship with South Korea. They have so much to offer to the world. We need to do what we can to change that regime in North Korea that is so unhealthy, a regime that is doing so much damage and threatening the stability and safety and security of the world.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. In the last Congress Senator KENNEDY and I introduced the Local Law Enforcement Act—a bill that would add new categories to current hate crimes law, sending a signal

that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred January 26, 2002, in Houston, TX. Hugo Cesar “Bibi” Barajas was found dead from multiple gunshot wounds to the neck, arm, and chest near a club that caters to the gay and transgender community. Barajas was dressed as a woman at the time of the murder. Police are investigating the murder as a possible hate crime and have investigated six similar murders of transgender women in the last 3 years alone.

I believe that government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

PERU AIRBRIDGE PROGRAM

Mr. LEAHY. Mr. President, since 1994, the U.S. Government has provided tactical aerial intelligence assistance to the Government of Peru, to help it stop the shipment of illegal drugs across its borders.

U.S. surveillance aircraft owned by the Defense Department and operated by contractors employed by the Central Intelligence Agency are tasked to locate potential drug flights, which Peruvian military jets then intercept. Occasionally, the Peruvian military has shot down those aircraft.

Unfortunately, the mistaken shoot-down on April 20, 2001, of a civilian missionary aircraft resulting in the deaths of two innocent Americans, including a young child, and the wounding of the pilot, revealed serious deficiencies in the procedures governing this program.

After a thorough investigation and revision of the procedures, the State Department has recommended that this program be reinstated in Columbia, and it is anticipated that it may also resume at some point in Peru.

I understand the motivation for this program is to stop the shipment of illegal drugs. That is a goal we all share, and we are spending hundreds of millions of dollars each year in the Andes to do so. However, a policy of shooting down civilian aircraft in such circumstances would not be lawful in the United States, and I am concerned that the foreign pilots are performing the role of prosecutor, jury and executioner, even when there may be no cause for self-defense and no proof that the operators of the targeted aircraft have broken any law.

This policy, in essence, presumed any civilian aircraft in drug-producing areas to be guilty unless proven innocent, and permitted the use of deadly force when there was only the suspicion of involvement of smuggling drugs.

I have read a report issued by the Senate Select Committee on Intel-

ligence in October of 2001, which describes the serious flaws in the aerial interdiction program in the Andean countries. I agree with many of the report's findings. The Intelligence Committee report I refer to was commissioned specifically to investigate the April 20, 2001 incident in Peru.

Despite the appearance of legitimacy, the missionary plane was singled out by a U.S. surveillance jet as a possible drug smuggling flight. The U.S. surveillance aircraft was participating in the joint U.S.-Peru counter-drug aerial interdiction program. The surveillance jet tracked the path of the missionary flight and a Peruvian military jet responded.

A confused and ultimately unsuccessful effort was made by Peruvian military and Peruvian civilian authorities to identify the missionary plane and to surmise the intentions of its crew, all of which are mandated by the standard operating procedures that govern operation of the aerial interdiction program.

That information was available to the Peruvian authorities. But due to the lack of access to records of flight plans kept by Peruvian aviation authorities; the failure of a Peruvian officer to check a list of aircraft tail numbers that would have identified the missionary plane as a legitimately owned and operated aircraft; and inefficient communications between the aircraft involved and ground personnel, a presumption of guilt, without supporting evidence, led to this avoidable tragedy.

This incident is a glaring example of the dire consequences resulting from attempts by law enforcement and military agencies to take the place of prosecutors and courts to mete out justice to suspected criminals.

I am sympathetic to the motivations for this policy. But absent an imminent, serious threat to human health or safety, I do not believe that deadly force of this type should be used against civilian aircraft. While I hope I am proven wrong, I worry that the new procedures, while well-intentioned, may not be adequate to prevent another tragic mistake. I am also concerned that we risk providing other countries with an excuse to shoot down civilian aircraft over their territory, whether to stop illegal drugs or for some completely different reason which they may deem to be legitimate.

I urge the administration to reconsider this policy. Yes, we want to stop drugs. Yes, we want to conduct aerial surveillance of suspected aircraft. But shooting civilian aircraft out of the sky, when there is no cause for self-defense, no imminent threat to innocent life, and not even proof of illegality, I believe goes too far. We have seen what can happen. Let us not repeat that mistake.